

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Richard Bohannon,
Petitioner

vs

Case No. 1:01cv463
(Spiegel, S.J.; Hogan, M.J.)

Tim Brunsman,¹
Respondent

ORDER

This habeas corpus action brought *pro se* pursuant to 28 U.S.C. § 2254 is before the Court on petitioner's "Motion For Leave To Reinstate" the case (Doc. 14), which was administratively stayed and terminated on the Court's active docket on June 16, 2004 so that petitioner could exhaust state court remedies (*see* Docs. 11, 12, 13).

Petitioner states in his motion for reinstatement that he "has exhausted all available state court remedies in compliance with" the conditions set forth in the March 18, 2004 Report and Recommendation adopted by the Court in administratively staying the action, "as well as within the one (1) year statute of limitations period." (Doc. 14, p. 3). Respondent has not objected to petitioner's motion. Therefore, the Court assumes as asserted by petitioner that petitioner has fully exhausted his state court remedies in compliance with conditions set forth in the March 18, 2004 Report and Recommendation adopted by the Court in its June 16, 2004 stay order (*see* Doc. 11, p. 12, ¶ 1).

¹Petitioner notes in his motion now pending before this Court for ruling that he no longer is incarcerated at Lebanon Correctional Institution, but was transferred to the Chillicothe Correctional Institution (CCI) in Chillicothe, Ohio, where Tim Brunsman is Warden. (Doc. 14, p. 1 n.1). Because Tim Brunsman is the individual who currently has custody of petitioner, the caption of this case is hereby changed to reflect the proper party respondent. *See* Rule 2, Rules Governing Section 2254 Cases in the United States District Courts, 28 U.S.C. foll. § 2254.

Accordingly, petitioner's motion to reinstate the case (Doc. 14) is GRANTED. It is hereby ORDERED that the Order entered on June 16, 2004 administratively staying the action and terminating the case on the Court's active docket be VACATED. It is FURTHER ORDERED that respondent shall file a supplemental return of writ within thirty (30) days of the date of this Order presenting any additional arguments and supplementing the record with any additional state court documents pertaining to and arising from the now fully exhausted state court remedies pursued by petitioner.

IT IS SO ORDERED.

Date: March 1, 2006

cbe

s/S. Arthur Spiegel

S. Arthur Spiegel, Senior Judge
United States District Court

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